

# Exhibit A

1

C28rdasc

1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 MONIQUE DA SILVA MOORE, et al.,

4 Plaintiffs,

5 v.

11 Civ. 1279 (ALC)

6 PUBLICIS GROUPE and MSL GROUP,

Conference

7 Defendants.

8 -----x

9 New York, N.Y.  
9 February 8, 2012  
10 3:00 p.m.

11 Before:

12 HON. ANDREW J. PECK

13 Magistrate Judge

14  
15 APPEARANCES

16  
17 SANFORD WITTELS & HEISLER LLP

17 Attorneys for Plaintiffs

18 BY: JANETTE L. WIPPER (tel.)

18 DEEPIKA BAINS

19 SIHAM NURHUSSEIN

20 JACKSON LEWIS LLP

21 Attorneys for Defendants

21 BY: JEFFREY W. BRECHER

22 BRETT M. ANDERS

23 ALSO PRESENT:

24 PAUL J. NEALE

25 DAVID BASKIN

SOUTHERN DISTRICT REPORTERS, P.C.  
(212) 805-0300

C28rdasc

1 standard would be applied. That would be up to Judge Carter.  
2 Depending on his judgment on the level of discovery --

3 THE COURT: Ms. Wipper, your motion is due two weeks  
4 from today. Thank you very much for not participating. I'm  
5 also withdrawing your ability to participate telephonically in  
6 the future.

7 MS. WIPPER: Your Honor, can I ask you to reconsider  
8 given the fact that we don't have the payroll data?

9 THE COURT: No. February 29th. I'll give you one  
10 extra week. February 29th. If you don't move by that point,  
11 you never get to move. Of course, you can do what you have  
12 done before, which is take objections to Judge Carter so he can  
13 enjoy the fun I'm having with all of you. If he affirms me and  
14 you haven't moved by that point, you don't get to ever move,  
15 period. That takes care of that.

16 MS. WIPPER: Your Honor, plaintiffs request that you  
17 issue a written order.

18 THE COURT: You're very close to getting not only your  
19 telephone privileges removed but your pro hac vice removed.  
20 You have a written order. It's called the transcript. If you  
21 want to object to every single ruling I make, feel free. The  
22 rules allow you to do that. Does it make me happy? You figure  
23 that out.

24 Would you like to have your pro hac withdrawn or would  
25 you like to learn the rules of the Southern District of New

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

C28rdasc

1 York, counsel? Do you want to practice in California? Do you  
2 want me to transfer this case to California? I'd be happy to  
3 do that. This is ridiculous, Ms. Wipper. Do you have anything  
4 to say? Are you there?

5 MS. WIPPER: Yes, I'm here, your Honor. No, your  
6 Honor. I would just say that we are complying fully with the  
7 local rules of the Southern District of New York as well as  
8 your individual rules.

9 THE COURT: What local rule says I've got to give you  
10 a written order other than a transcript?

11 MS. WIPPER: I was just requesting it, your Honor.

12 THE COURT: It's not the first time you have requested  
13 it and been told we don't do it that way.

14 MS. WIPPER: OK, your Honor.

15 THE COURT: Off the record.

16 (Discussion off the record).

17 THE COURT: Do you want to start with custodians or  
18 sources of ESI? What's your pleasure?

19 MR. ANDERS: Custodians, your Honor, if you wouldn't  
20 mind.

21 THE COURT: OK. Let me get the letters organized.  
22 What is the dispute on custodians? Let's get you to summarize  
23 your positions.

24 MR. ANDERS: Thank you, your Honor. In short, we  
25 believe that 30 custodians is more than sufficient for the

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300